IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5359 OF 2007

Bhanushali & Company] .. Petitioner

Versus

1. Union of India & Anr.] .. Respondents

Mr. Uday P. Warunjikar for the petitioner.

CORAM: S.B. MHASE &
D.G. KARNIK, JJ.

DATED: 23RD JULY, 2007

P.C. :

. Heard Mr. U.P. Warunjikar, the learned counsel for the petitioner.

2. The tenders were invited in Times of India as per the Notice at Exhibit-A [Page 13 of the Petition]. In view of that, the tender form was obtained by the petitioner on 26th September, 2006 and it was filled in and submitted. Thereafter, the petitioner does not know as to what happened to the said tender. The petitioner has not received any reply. The petitioner has now learnt that another tender is being invited. Whenever another tender is invited, the petitioner can definitely

participate in the said process. However, grievance of the petitioner is that the respondent is under obligation to convey as to what happened to the earlier tender which he had filled in. For this purpose if he really desires to have such information, he could have applied to the respondent under the Right to Information Act to obtain the information about his tender and decision taken in this respect. Instead of this, he has approached this Court. Apart from that, what we find is that there is a specific clause in the tender which reads thus : *"Concor reserves the right to accept or reject any offer without assigning any reasons thereof and to amend the terms and conditions before award of the contract."* If the respondents are going to issue another tender in respect of the same work and if the petitioner knows it, the petitioner is aware that there is a deemed rejection of his tender.

3. Viewed from any angle the Petition, at this stage, is not tenable. The petitioner can definitely participate whenever fresh tender is issued in respect of the same work by the respondents. Petition is, accordingly, rejected.

Sd/-
[D.G. KARNIK, J.]

Sd/-
[S.B. MHASE, J.]